



General Assembly

January Session, 2011

Amendment

LCO No. 6603

SB0119906603SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. MUSTO, 22nd Dist.
REP. TERCYAK, 26th Dist.

To: Subst. Senate Bill No. 1199

File No. 465

Cal. No. 280

"AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION."

1 In line 16, after "classified" insert "by the commissioner, or the
2 commissioner's designee,"

3 In line 160, insert an opening bracket before "(3)"

4 In line 166, insert a closing bracket after the semicolon

5 In line 167, bracket "(4)" and after the closing bracket insert "(3)"

6 In line 171, bracket "(5)" and after the closing bracket insert "(4)"

7 In line 198, strike "(6)" and insert "(5)" in lieu thereof

8 In line 209, strike "(7)" and insert "(6)" in lieu thereof

9 In line 209, strike "for reasons"

10 In line 210, strike "other than being impoverished,"

11 Strike line 214 in its entirety and insert the following in lieu thereof:
12 "the child or youth, [or (D) has been abused] except no child or youth
13 may be found neglected solely because the child or youth is
14 impoverished;"

15 After line 214, insert the following:

16 "(7) A child or youth may be found "abused" who (A) has been
17 inflicted with physical injury or injuries other than by accidental
18 means, (B) has injuries that are at variance with the history given of
19 them, or (C) is in a condition that is the result of maltreatment,
20 including, but not limited to, malnutrition, sexual molestation or
21 exploitation, deprivation of necessities, emotional maltreatment or
22 cruel punishment;"

23 In line 296, insert an opening bracket before "(3)"

24 In line 302, insert a closing bracket after the semicolon

25 In line 303, bracket "(4)" and after the closing bracket insert "(3)"

26 In line 307, bracket "(5)" and after the closing bracket insert "(4)"

27 In line 329, strike "(6)" and insert "(5)" in lieu thereof

28 In line 340, strike "(7)" and insert "(6)" in lieu thereof

29 After line 345, insert the following:

30 "(7) A child or youth may be found "abused" who (A) has been
31 inflicted with physical injury or injuries other than by accidental
32 means, (B) has injuries that are at variance with the history given of
33 them, or (C) is in a condition that is the result of maltreatment,
34 including, but not limited to, malnutrition, sexual molestation or
35 exploitation, deprivation of necessities, emotional maltreatment or

36 cruel punishment;"

37 After the last section, add the following and renumber sections and
38 internal references accordingly:

39 "Sec. 501. Subsection (a) of section 46b-121 of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective July*
41 *1, 2011*):

42 (a) (1) Juvenile matters in the civil session include all proceedings
43 concerning uncared-for [.] or neglected [or dependent] children and
44 youths within this state, termination of parental rights of children
45 committed to a state agency, matters concerning families with service
46 needs, contested matters involving termination of parental rights or
47 removal of guardian transferred from the Probate Court and the
48 emancipation of minors, but does not include matters of guardianship
49 and adoption or matters affecting property rights of any child or youth
50 over which the Probate Court has jurisdiction, except that appeals
51 from probate concerning adoption, termination of parental rights and
52 removal of a parent as guardian shall be included.

53 (2) Juvenile matters in the criminal session include all proceedings
54 concerning delinquent children within this state and persons
55 seventeen years of age and older who are under the supervision of a
56 juvenile probation officer while on probation or a suspended
57 commitment to the Department of Children and Families, for purposes
58 of enforcing any court orders entered as part of such probation or
59 suspended commitment.

60 Sec. 502. Subsection (a) of section 46b-121 of the general statutes, as
61 amended by section 83 of public act 09-7 of the September special
62 session, is repealed and the following is substituted in lieu thereof
63 (*Effective July 1, 2012*):

64 (a) (1) Juvenile matters in the civil session include all proceedings
65 concerning uncared-for [.] or neglected [or dependent] children and
66 youths within this state, termination of parental rights of children

67 committed to a state agency, matters concerning families with service
68 needs, contested matters involving termination of parental rights or
69 removal of guardian transferred from the Probate Court and the
70 emancipation of minors, but does not include matters of guardianship
71 and adoption or matters affecting property rights of any child or youth
72 over which the Probate Court has jurisdiction, except that appeals
73 from probate concerning adoption, termination of parental rights and
74 removal of a parent as guardian shall be included.

75 (2) Juvenile matters in the criminal session include all proceedings
76 concerning delinquent children within this state and persons eighteen
77 years of age and older who are under the supervision of a juvenile
78 probation officer while on probation or a suspended commitment to
79 the Department of Children and Families, for purposes of enforcing
80 any court orders entered as part of such probation or suspended
81 commitment.

82 Sec. 503. Subsection (b) of section 46b-122 of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective*
84 *July 1, 2011*):

85 (b) The Judicial Department shall establish, in a superior court for
86 juvenile matters location designated by the Chief Court Administrator,
87 a pilot program to increase public access to proceedings in which a
88 child is alleged to be uncared for, neglected [,] or abused [or
89 dependent] or is the subject of a petition for termination of parental
90 rights. In any proceeding under this subsection, the judge may order
91 on a case-by-case basis that such proceeding be kept separate and
92 apart and heard in accordance with subsection (a) of this section, upon
93 motion of any party for good cause shown. After consultation with the
94 Juvenile Access Pilot Program Advisory Board established pursuant to
95 section 6 of public act 09-194, the Judicial Department shall adopt
96 policies and procedures for the operation of the pilot program.

97 Sec. 504. Section 46b-129 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective July 1, 2011*):

99 (a) Any selectman, town manager, or town, city or borough welfare
100 department, any probation officer, or the Commissioner of Social
101 Services, the Commissioner of Children and Families or any child-
102 caring institution or agency approved by the Commissioner of
103 Children and Families, a child or such child's representative or
104 attorney or a foster parent of a child, having information that a child or
105 youth is neglected [,] or uncared-for, [or dependent,] may file with the
106 Superior Court that has venue over such matter a verified petition
107 plainly stating such facts as bring the child or youth within the
108 jurisdiction of the court as neglected [,] or uncared-for, [or dependent,]
109 within the meaning of section 46b-120, as amended by this act, the
110 name, date of birth, sex and residence of the child or youth, the name
111 and residence of such child's parents or guardian, and praying for
112 appropriate action by the court in conformity with the provisions of
113 this chapter. Upon the filing of such a petition, except as otherwise
114 provided in subsection (k) of section 17a-112, the court shall cause a
115 summons to be issued requiring the parent or parents or the guardian
116 of the child or youth to appear in court at the time and place named,
117 which summons shall be served not less than fourteen days before the
118 date of the hearing in the manner prescribed by section 46b-128, and
119 the court shall further give notice to the petitioner and to the
120 Commissioner of Children and Families of the time and place when
121 the petition is to be heard not less than fourteen days prior to the
122 hearing in question.

123 (b) If it appears from the specific allegations of the petition and
124 other verified affirmations of fact accompanying the petition and
125 application, or subsequent thereto, that there is reasonable cause to
126 believe that (1) the child or youth is suffering from serious physical
127 illness or serious physical injury or is in immediate physical danger
128 from the child's or youth's surroundings, and (2) that as a result of said
129 conditions, the child's or youth's safety is endangered and immediate
130 removal from such surroundings is necessary to ensure the child's or
131 youth's safety, the court shall either (A) issue an order to the parents or
132 other person having responsibility for the care of the child or youth to

133 appear at such time as the court may designate to determine whether
134 the court should vest the child's or youth's temporary care and custody
135 in a person related to the child or youth by blood or marriage or in
136 some other person or suitable agency pending disposition of the
137 petition, or (B) issue an order ex parte vesting the child's or youth's
138 temporary care and custody in a person related to the child or youth
139 by blood or marriage or in some other person or suitable agency. A
140 preliminary hearing on any ex parte custody order or order to appear
141 issued by the court shall be held not later than ten days after the
142 issuance of such order. The service of such orders may be made by any
143 officer authorized by law to serve process, or by any probation officer
144 appointed in accordance with section 46b-123, investigator from the
145 Department of Administrative Services, state or local police officer or
146 indifferent person. Such orders shall include a conspicuous notice to
147 the respondent written in clear and simple language containing at least
148 the following information: (i) That the order contains allegations that
149 conditions in the home have endangered the safety and welfare of the
150 child or youth; (ii) that a hearing will be held on the date on the form;
151 (iii) that the hearing is the opportunity to present the parents' position
152 concerning the alleged facts; (iv) that an attorney will be appointed for
153 parents who cannot afford an attorney; (v) that such parents may
154 apply for a court-appointed attorney by going in person to the court
155 address on the form and are advised to go as soon as possible in order
156 for the attorney to prepare for the hearing; (vi) that such parents, or a
157 person having responsibility for the care and custody of the child or
158 youth, may request the Commissioner of Children and Families to
159 investigate placing the child or youth with a person related to the child
160 or youth by blood or marriage who might serve as a licensed foster
161 parent or temporary custodian for such child or youth. The
162 commissioner, where practicable, shall investigate such relative or
163 relatives prior to the preliminary hearing and provide a report to the
164 court at such hearing as to such relative's suitability; and (vii) if such
165 parents have any questions concerning the case or appointment of
166 counsel, any such parent is advised to go to the court or call the clerk's
167 office at the court as soon as possible. Upon application for appointed

168 counsel, the court shall promptly determine eligibility and, if the
169 respondent is eligible, promptly appoint counsel. The expense for any
170 temporary care and custody shall be paid by the town in which such
171 child or youth is at the time residing, and such town shall be
172 reimbursed for such expense by the town found liable for the child's or
173 youth's support, except that where a state agency has filed a petition
174 pursuant to the provisions of subsection (a) of this section, the agency
175 shall pay such expense. The agency shall give primary consideration to
176 placing the child or youth in the town where such child or youth
177 resides. The agency shall file in writing with the clerk of the court the
178 reasons for placing the child or youth in a particular placement outside
179 the town where the child or youth resides. Upon issuance of an ex
180 parte order, the court shall provide to the commissioner and the parent
181 or guardian specific steps necessary for each to take to address the ex
182 parte order for the parent or guardian to retain or regain custody of the
183 child or youth. Upon the issuance of such order, or not later than sixty
184 days after the issuance of such order, the court shall make a
185 determination whether the Department of Children and Families made
186 reasonable efforts to keep the child or youth with his or her parents or
187 guardian prior to the issuance of such order and, if such efforts were
188 not made, whether such reasonable efforts were not possible, taking
189 into consideration the child's or youth's best interests, including the
190 child's or youth's health and safety.

191 (c) The preliminary hearing on the order of temporary custody or
192 order to appear or the first hearing on a petition filed pursuant to
193 subsection (a) of this section shall be held in order for the court to: (1)
194 Advise the parent or guardian of the allegations contained in all
195 petitions and applications that are the subject of the hearing and the
196 parent's or guardian's right to counsel pursuant to subsection (b) of
197 section 46b-135, as amended by this act; (2) assure that an attorney,
198 and where appropriate, a separate guardian ad litem has been
199 appointed to represent the child or youth in accordance with
200 subsection (b) of section 46b-123e and sections 46b-129a and 46b-136;
201 (3) upon request, appoint an attorney to represent the respondent

202 when the respondent is unable to afford representation, in accordance
203 with subsection (b) of section 46b-123e; (4) advise the parent or
204 guardian of the right to a hearing on the petitions and applications, to
205 be held not later than ten days after the date of the preliminary hearing
206 if the hearing is pursuant to an order of temporary custody or an order
207 to show cause; (5) accept a plea regarding the truth of such allegations;
208 (6) make any interim orders, including visitation, that the court
209 determines are in the best interests of the child or youth. The court,
210 after a hearing pursuant to this subsection, shall order specific steps
211 the commissioner and the parent or guardian shall take for the parent
212 or guardian to regain or to retain custody of the child or youth; (7) take
213 steps to determine the identity of the father of the child or youth,
214 including, if necessary, inquiring of the mother of the child or youth,
215 under oath, as to the identity and address of any person who might be
216 the father of the child or youth and ordering genetic testing, and order
217 service of the petition and notice of the hearing date, if any, to be made
218 upon him; (8) if the person named as the father appears, and admits
219 that he is the father, provide him and the mother with the notices that
220 comply with section 17b-27 and provide them with the opportunity to
221 sign a paternity acknowledgment and affirmation on forms that
222 comply with section 17b-27. Such documents shall be executed and
223 filed in accordance with chapter 815y and a copy delivered to the clerk
224 of the superior court for juvenile matters; (9) in the event that the
225 person named as a father appears and denies that he is the father of the
226 child or youth, advise him that he may have no further standing in any
227 proceeding concerning the child, and either order genetic testing to
228 determine paternity or direct him to execute a written denial of
229 paternity on a form promulgated by the Office of the Chief Court
230 Administrator. Upon execution of such a form by the putative father,
231 the court may remove him from the case and afford him no further
232 standing in the case or in any subsequent proceeding regarding the
233 child or youth until such time as paternity is established by formal
234 acknowledgment or adjudication in a court of competent jurisdiction;
235 (10) identify any person or persons related to the child or youth by
236 blood or marriage residing in this state who might serve as licensed

237 foster parents or temporary custodians and order the Commissioner of
238 Children and Families to investigate and determine, not later than
239 thirty days after the preliminary hearing, the appropriateness of
240 placement of the child or youth with such relative or relatives; and (11)
241 in accordance with the provisions of the Interstate Compact on the
242 Placement of Children pursuant to section 17a-175, identify any person
243 or persons related to the child or youth by blood or marriage residing
244 out of state who might serve as licensed foster parents or temporary
245 custodians, and order the Commissioner of Children and Families to
246 investigate and determine, within a reasonable time, the
247 appropriateness of placement of the child or youth with such relative
248 or relatives.

249 (d) (1) (A) If not later than thirty days after the preliminary hearing,
250 or within a reasonable time when a relative resides out of state, the
251 Commissioner of Children and Families determines that there is not a
252 suitable person related to the child or youth by blood or marriage who
253 can be licensed as a foster parent or serve as a temporary custodian,
254 and the court has not granted temporary custody to a person related to
255 the child or youth by blood or marriage, any person related to the child
256 or youth by blood or marriage may file, not later than ninety days after
257 the date of the preliminary hearing, a motion to intervene for the
258 limited purpose of moving for temporary custody of such child or
259 youth. If a motion to intervene is timely filed, the court shall grant
260 such motion except for good cause shown.

261 (B) Any person related to a child or youth may file a motion to
262 intervene for purposes of seeking temporary custody of a child or
263 youth more than ninety days after the date of the preliminary hearing.
264 The granting of such motion shall be solely in the court's discretion,
265 except that such motion shall be granted absent good cause shown
266 whenever the child's or youth's most recent placement has been
267 disrupted or is about to be disrupted.

268 (C) A relative shall appear in person, with or without counsel, and
269 shall not be entitled to court appointed counsel or the assignment of

270 counsel by the Chief Child Protection Attorney except as provided in
271 section 46b-136.

272 (2) Upon the granting of intervenor status to such relative of the
273 child or youth, the court shall issue an order directing the
274 Commissioner of Children and Families to conduct an assessment of
275 such relative and to file a written report with the court not later than
276 forty days after such order, unless such relative resides out of state, in
277 which case the assessment shall be ordered and requested in
278 accordance with the provisions of the Interstate Compact on the
279 Placement of Children, pursuant to section 17a-175. The court may also
280 request such relative to release such relative's medical records,
281 including any psychiatric or psychological records and may order such
282 relative to submit to a physical or mental examination. The expenses
283 incurred for such physical or mental examination shall be paid as costs
284 of commitment are paid. Upon receipt of the assessment, the court
285 shall schedule a hearing on such relative's motion for temporary
286 custody not later than fifteen days after the receipt of the assessment. If
287 the Commissioner of Children and Families, the child's or youth's
288 attorney or guardian ad litem, or the parent or guardian objects to the
289 vesting of temporary custody in such relative, the agency or person
290 objecting at such hearing shall be required to prove by a fair
291 preponderance of the evidence that granting temporary custody of the
292 child or youth to such relative would not be in the best interests of
293 such child or youth.

294 (3) If the court grants such relative temporary custody during the
295 period of such temporary custody, such relative shall be subject to
296 orders of the court, including, but not limited to, providing for the care
297 and supervision of such child or youth and cooperating with the
298 Commissioner of Children and Families in the implementation of
299 treatment and permanency plans and services for such child or youth.
300 The court may, on motion of any party or the court's own motion, after
301 notice and a hearing, terminate such relative's intervenor status if such
302 relative's participation in the case is no longer warranted or necessary.

303 (4) Any person related to a child or youth may file a motion to
304 intervene for purposes of seeking permanent guardianship of a child
305 or youth more than ninety days after the date of the preliminary
306 hearing. The granting of such motion to intervene shall be solely in the
307 court's discretion, except that such motion shall be granted absent
308 good cause shown whenever the child's or youth's most recent
309 placement has been disrupted or is about to be disrupted. The court
310 may, in the court's discretion, order the Commissioner of Children and
311 Families to conduct an assessment of such relative granted intervenor
312 status pursuant to this subdivision.

313 (e) If any parent or guardian fails, after service of such order, to
314 appear at the preliminary hearing, the court may enter or sustain an
315 order of temporary custody.

316 (f) Upon request, or upon its own motion, the court shall schedule a
317 hearing on the order for temporary custody or the order to appear to
318 be held not later than ten days after the date of the preliminary
319 hearing. Such hearing shall be held on consecutive days except for
320 compelling circumstances or at the request of the parent or guardian.

321 (g) At a contested hearing on the order for temporary custody or
322 order to appear, credible hearsay evidence regarding statements of the
323 child or youth made to a mandated reporter or to a parent may be
324 offered by the parties and admitted by the court upon a finding that
325 the statement is reliable and trustworthy and that admission of such
326 statement is reasonably necessary. A signed statement executed by a
327 mandated reporter under oath may be admitted by the court without
328 the need for the mandated reporter to appear and testify unless called
329 by a respondent or the child, provided the statement: (1) Was provided
330 at the preliminary hearing and promptly upon request to any counsel
331 appearing after the preliminary hearing; (2) reasonably describes the
332 qualifications of the reporter and the nature of his contact with the
333 child; and (3) contains only the direct observations of the reporter, and
334 statements made to the reporter that would be admissible if the
335 reporter were to testify to them in court and any opinions reasonably

336 based thereupon. If a respondent or the child gives notice at the
337 preliminary hearing that he intends to cross-examine the reporter, the
338 person filing the petition shall make the reporter available for such
339 examination at the contested hearing.

340 (h) If any parent or guardian fails, after due notice of the hearing
341 scheduled pursuant to subsection (g) of this section and without good
342 cause, to appear at the scheduled date for a contested hearing on the
343 order of temporary custody or order to appear, the court may enter or
344 sustain an order of temporary custody.

345 (i) When a petition is filed in said court for the commitment of a
346 child or youth, the Commissioner of Children and Families shall make
347 a thorough investigation of the case and shall cause to be made a
348 thorough physical and mental examination of the child or youth if
349 requested by the court. The court after hearing may also order a
350 thorough physical or mental examination, or both, of a parent or
351 guardian whose competency or ability to care for a child or youth
352 before the court is at issue. The expenses incurred in making such
353 physical and mental examinations shall be paid as costs of
354 commitment are paid.

355 (j) Upon finding and adjudging that any child or youth is uncared-
356 for [,] or neglected, [or dependent,] the court may commit such child or
357 youth to the Commissioner of Children and Families. Such
358 commitment shall remain in effect until further order of the court,
359 except that such commitment may be revoked or parental rights
360 terminated at any time by the court, or the court may vest such child's
361 or youth's legal guardianship in any private or public agency that is
362 permitted by law to care for neglected [,] or uncared-for [or
363 dependent] children or youths or with any other person or persons
364 found to be suitable and worthy of such responsibility by the court,
365 including, but not limited to, any relative of such child or youth by
366 blood or marriage. If the court determines that the commitment should
367 be revoked and the child's or youth's legal guardianship should vest in
368 someone other than the respondent parent, parents or former

369 guardian, or if parental rights are terminated at any time, there shall be
370 a rebuttable presumption that an award of legal guardianship upon
371 revocation to, or adoption upon termination of parental rights by, any
372 relative who is licensed as a foster parent for such child or youth, or
373 who is, pursuant to an order of the court, the temporary custodian of
374 the child or youth at the time of the revocation or termination, shall be
375 in the best interests of the child or youth and that such relative is a
376 suitable and worthy person to assume legal guardianship upon
377 revocation or to adopt such child or youth upon termination of
378 parental rights. The presumption may be rebutted by a preponderance
379 of the evidence that an award of legal guardianship to, or an adoption
380 by, such relative would not be in the child's or youth's best interests
381 and such relative is not a suitable and worthy person. The court shall
382 order specific steps that the parent must take to facilitate the return of
383 the child or youth to the custody of such parent. The commissioner
384 shall be the guardian of such child or youth for the duration of the
385 commitment, provided the child or youth has not reached the age of
386 eighteen years or, in the case of a child or youth in full-time attendance
387 in a secondary school, a technical school, a college or a state-accredited
388 job training program, provided such child or youth has not reached the
389 age of twenty-one years, by consent of such youth, or until another
390 guardian has been legally appointed, and in like manner, upon such
391 vesting of the care of such child or youth, such other public or private
392 agency or individual shall be the guardian of such child or youth until
393 such child or youth has reached the age of eighteen years or, in the
394 case of a child or youth in full-time attendance in a secondary school, a
395 technical school, a college or a state-accredited job training program,
396 until such child or youth has reached the age of twenty-one years or
397 until another guardian has been legally appointed. The commissioner
398 may place any child or youth so committed to the commissioner in a
399 suitable foster home or in the home of a person related by blood or
400 marriage to such child or youth or in a licensed child-caring institution
401 or in the care and custody of any accredited, licensed or approved
402 child-caring agency, within or without the state, provided a child shall
403 not be placed outside the state except for good cause and unless the

404 parents or guardian of such child are notified in advance of such
405 placement and given an opportunity to be heard, or in a receiving
406 home maintained and operated by the Commissioner of Children and
407 Families. In placing such child or youth, the commissioner shall, if
408 possible, select a home, agency, institution or person of like religious
409 faith to that of a parent of such child or youth, if such faith is known or
410 may be ascertained by reasonable inquiry, provided such home
411 conforms to the standards of said commissioner and the commissioner
412 shall, when placing siblings, if possible, place such children together.
413 As an alternative to commitment, the court may place the child or
414 youth in the custody of the parent or guardian with protective
415 supervision by the Commissioner of Children and Families subject to
416 conditions established by the court. Upon the issuance of an order
417 committing the child or youth to the Commissioner of Children and
418 Families, or not later than sixty days after the issuance of such order,
419 the court shall determine whether the Department of Children and
420 Families made reasonable efforts to keep the child or youth with his or
421 her parents or guardian prior to the issuance of such order and, if such
422 efforts were not made, whether such reasonable efforts were not
423 possible, taking into consideration the child's or youth's best interests,
424 including the child's or youth's health and safety.

425 (k) (1) Nine months after placement of the child or youth in the care
426 and custody of the commissioner pursuant to a voluntary placement
427 agreement, or removal of a child or youth pursuant to section 17a-
428 101g, as amended by this act, or an order issued by a court of
429 competent jurisdiction, whichever is earlier, the commissioner shall file
430 a motion for review of a permanency plan. Nine months after a
431 permanency plan has been approved by the court pursuant to this
432 subsection, the commissioner shall file a motion for review of the
433 permanency plan. Any party seeking to oppose the commissioner's
434 permanency plan, including a relative of a child or youth by blood or
435 marriage who has intervened pursuant to subsection (d) of this section
436 and is licensed as a foster parent for such child or youth or is vested
437 with such child's or youth's temporary custody by order of the court,

438 shall file a motion in opposition not later than thirty days after the
439 filing of the commissioner's motion for review of the permanency plan,
440 which motion shall include the reason therefor. A permanency hearing
441 on any motion for review of the permanency plan shall be held not
442 later than ninety days after the filing of such motion. The court shall
443 hold evidentiary hearings in connection with any contested motion for
444 review of the permanency plan. The commissioner shall have the
445 burden of proving that the proposed permanency plan is in the best
446 interests of the child or youth. After the initial permanency hearing,
447 subsequent permanency hearings shall be held not less frequently than
448 every twelve months while the child or youth remains in the custody
449 of the Commissioner of Children and Families. The court shall provide
450 notice to the child or youth, the parent or guardian of such child or
451 youth, and any intervenor of the time and place of the court hearing on
452 any such motion not less than fourteen days prior to such hearing.

453 (2) At a permanency hearing held in accordance with the provisions
454 of subdivision (1) of this subsection, the court shall approve a
455 permanency plan that is in the best interests of the child or youth and
456 takes into consideration the child's or youth's need for permanency.
457 The child's or youth's health and safety shall be of paramount concern
458 in formulating such plan. Such permanency plan may include the goal
459 of (A) revocation of commitment and reunification of the child or
460 youth with the parent or guardian, with or without protective
461 supervision; (B) transfer of guardianship; (C) long-term foster care
462 with a relative licensed as a foster parent; (D) filing of termination of
463 parental rights and adoption; or (E) another planned permanent living
464 arrangement ordered by the court, provided the Commissioner of
465 Children and Families has documented a compelling reason why it
466 would not be in the best interest of the child or youth for the
467 permanency plan to include the goals in subparagraphs (A) to (D),
468 inclusive, of this subdivision. Such other planned permanent living
469 arrangement may include, but not be limited to, placement of a child
470 or youth in an independent living program or long term foster care
471 with an identified foster parent.

472 (3) At a permanency hearing held in accordance with the provisions
473 of subdivision (1) of this subsection, the court shall review the status of
474 the child, the progress being made to implement the permanency plan,
475 determine a timetable for attaining the permanency plan, determine
476 the services to be provided to the parent if the court approves a
477 permanency plan of reunification and the timetable for such services,
478 and determine whether the commissioner has made reasonable efforts
479 to achieve the permanency plan. The court may revoke commitment if
480 a cause for commitment no longer exists and it is in the best interests of
481 the child or youth.

482 (4) If the court approves the permanency plan of adoption: (A) The
483 Commissioner of Children and Families shall file a petition for
484 termination of parental rights not later than sixty days after such
485 approval if such petition has not previously been filed; (B) the
486 commissioner may conduct a thorough adoption assessment and
487 child-specific recruitment; and (C) the court may order that the child
488 be photo-listed within thirty days if the court determines that such
489 photo-listing is in the best interest of the child. As used in this
490 subdivision, "thorough adoption assessment" means conducting and
491 documenting face-to-face interviews with the child, foster care
492 providers and other significant parties and "child specific recruitment"
493 means recruiting an adoptive placement targeted to meet the
494 individual needs of the specific child, including, but not limited to, use
495 of the media, use of photo-listing services and any other in-state or
496 out-of-state resources that may be used to meet the specific needs of
497 the child, unless there are extenuating circumstances that indicate that
498 such efforts are not in the best interest of the child.

499 (l) The Commissioner of Children and Families shall pay directly to
500 the person or persons furnishing goods or services determined by said
501 commissioner to be necessary for the care and maintenance of such
502 child or youth the reasonable expense thereof, payment to be made at
503 intervals determined by said commissioner; and the Comptroller shall
504 draw his or her order on the Treasurer, from time to time, for such part
505 of the appropriation for care of committed children or youths as may

506 be needed in order to enable the commissioner to make such
507 payments. The commissioner shall include in the department's annual
508 budget a sum estimated to be sufficient to carry out the provisions of
509 this section. Notwithstanding that any such child or youth has income
510 or estate, the commissioner may pay the cost of care and maintenance
511 of such child or youth. The commissioner may bill to and collect from
512 the person in charge of the estate of any child or youth aided under
513 this chapter, or the payee of such child's or youth's income, the total
514 amount expended for care of such child or youth or such portion
515 thereof as any such estate or payee is able to reimburse, provided the
516 commissioner shall not collect from such estate or payee any
517 reimbursement for the cost of care or other expenditures made on
518 behalf of such child or youth from (1) the proceeds of any cause of
519 action received by such child or youth; (2) any lottery proceeds due to
520 such child or youth; (3) any inheritance due to such child or youth; (4)
521 any payment due to such child or youth from a trust other than a trust
522 created pursuant to 42 USC 1396p, as amended from time to time; or
523 (5) the decedent estate of such child or youth.

524 (m) The commissioner, a parent or the child's attorney may file a
525 motion to revoke a commitment, and, upon finding that cause for
526 commitment no longer exists, and that such revocation is in the best
527 interests of such child or youth, the court may revoke the commitment
528 of such child or youth. No such motion shall be filed more often than
529 once every six months.

530 (n) Upon service on the parent, guardian or other person having
531 control of the child or youth of any order issued by the court pursuant
532 to the provisions of subsections (b) and (j) of this section, the child or
533 youth concerned shall be surrendered to the person serving the order
534 who shall forthwith deliver the child or youth to the person, agency,
535 department or institution awarded custody in the order. Upon refusal
536 of the parent, guardian or other person having control of the child or
537 youth to surrender the child or youth as provided in the order, the
538 court may cause a warrant to be issued charging the parent, guardian
539 or other person having control of the child or youth with contempt of

540 court. If the person arrested is found in contempt of court, the court
541 may order such person confined until the person complies with the
542 order, but for not more than six months, or may fine such person not
543 more than five hundred dollars, or both.

544 (o) A foster parent, prospective adoptive parent or relative caregiver
545 shall receive notice and have the right to be heard for the purposes of
546 this section in Superior Court in any proceeding concerning a foster
547 child living with such foster parent, prospective adoptive parent or
548 relative caregiver. A foster parent, prospective adoptive parent or
549 relative caregiver who has cared for a child or youth shall have the
550 right to be heard and comment on the best interests of such child or
551 youth in any proceeding under this section which is brought not more
552 than one year after the last day the foster parent, prospective adoptive
553 parent or relative caregiver provided such care.

554 (p) Upon motion of any sibling of any child committed to the
555 Department of Children and Families pursuant to this section, such
556 sibling shall have the right to be heard concerning visitation with, and
557 placement of, any such child. In awarding any visitation or modifying
558 any placement, the court shall be guided by the best interests of all
559 siblings affected by such determination.

560 (q) The provisions of section 17a-152, regarding placement of a child
561 from another state, and section 17a-175, regarding the Interstate
562 Compact on the Placement of Children, shall apply to placements
563 pursuant to this section.

564 (r) In any proceeding under this section, the Department of Children
565 and Families shall provide notice to every attorney of record for each
566 party involved in the proceeding when the department seeks to
567 transfer a child or youth in its care, custody or control to an out-of-
568 state placement.

569 Sec. 505. Subsection (b) of section 46b-135 of the general statutes is
570 repealed and the following is substituted in lieu thereof (*Effective*
571 *July 1, 2011*):

572 (b) At the commencement of any proceeding on behalf of a
573 neglected [.] or uncared-for [or dependent] child or youth, the parent
574 or parents or guardian of the child or youth shall have the right to
575 counsel, and shall be so informed by the judge, and that if they are
576 unable to afford counsel, counsel will be provided for them. Such
577 parent or guardian of the child or youth shall have the rights of
578 confrontation and cross-examination.

579 Sec. 506. Subsection (d) of section 46b-137 of the general statutes is
580 repealed and the following is substituted in lieu thereof (*Effective*
581 *July 1, 2011*):

582 (d) Any confession, admission or statement, written or oral, made
583 by the parent or parents or guardian of the child or youth after the
584 filing of a petition alleging such child or youth to be neglected [.] or
585 uncared-for, [or dependent,] shall be inadmissible in any proceeding
586 held upon such petition against the person making such admission or
587 statement unless such person shall have been advised of the person's
588 right to retain counsel, and that if the person is unable to afford
589 counsel, counsel will be appointed to represent the person, that the
590 person has a right to refuse to make any statement and that any
591 statements the person makes may be introduced in evidence against
592 the person, except that any statement made by the mother of any child
593 or youth, upon inquiry by the court and under oath if necessary, as to
594 the identity of any person who might be the father of the child or
595 youth shall not be inadmissible if the mother was not so advised.

596 Sec. 507. Subsection (d) of section 46b-137 of the general statutes, as
597 amended by section 87 of public act 09-7 of the September special
598 session and section 40 of public act 10-43, is repealed and the following
599 is substituted in lieu thereof (*Effective July 1, 2012*):

600 (d) Any confession, admission or statement, written or oral, made
601 by the parent or parents or guardian of the child or youth after the
602 filing of a petition alleging such child or youth to be neglected [.] or
603 uncared-for, [or dependent,] shall be inadmissible in any proceeding

604 held upon such petition against the person making such admission or
605 statement unless such person shall have been advised of the person's
606 right to retain counsel, and that if the person is unable to afford
607 counsel, counsel will be appointed to represent the person, that the
608 person has a right to refuse to make any statement and that any
609 statements the person makes may be introduced in evidence against
610 the person, except that any statement made by the mother of any child
611 or youth, upon inquiry by the court and under oath if necessary, as to
612 the identity of any person who might be the father of the child or
613 youth shall not be inadmissible if the mother was not so advised.

614 Sec. 508. Section 46b-150d of the general statutes is repealed and the
615 following is substituted in lieu thereof (*Effective July 1, 2011*):

616 An order that a minor is emancipated shall have the following
617 effects: (1) The minor may consent to medical, dental or psychiatric
618 care, without parental consent, knowledge or liability; (2) the minor
619 may enter into a binding contract; (3) the minor may sue and be sued
620 in such minor's own name; (4) the minor shall be entitled to such
621 minor's own earnings and shall be free of control by such minor's
622 parents or guardian; (5) the minor may establish such minor's own
623 residence; (6) the minor may buy and sell real and personal property;
624 (7) the minor may not thereafter be the subject of (A) a petition under
625 section 46b-129, as amended by this act, as an abused, [dependent,]
626 neglected or uncared for child or youth, (B) a petition under section
627 46b-128 or 46b-133 as a delinquent child for any act committed before
628 the date of the order, (C) a petition under section 46b-149 alleging that
629 the minor is a child from a family with service needs, or (D) a petition
630 under section 46b-150f alleging that the minor is a youth in crisis; (8)
631 the minor may enroll in any school or college, without parental
632 consent; (9) the minor shall be deemed to be over eighteen years of age
633 for purposes of securing an operator's license under section 14-36 and
634 a marriage license under subsection (b) of section 46b-30; (10) the
635 minor shall be deemed to be over eighteen years of age for purposes of
636 registering a motor vehicle under section 14-12; (11) the parents of the
637 minor shall no longer be the guardians of the minor under section 45a-

638 606; (12) the parents of a minor shall be relieved of any obligations
639 respecting such minor's school attendance under section 10-184; (13)
640 the parents shall be relieved of all obligation to support the minor; (14)
641 the minor shall be emancipated for the purposes of parental liability
642 for such minor's acts under section 52-572; (15) the minor may execute
643 releases in such minor's own name under section 14-118; and (16) the
644 minor may enlist in the armed forces of the United States without
645 parental consent.

646 Sec. 509. Section 46b-150d of the general statutes, as amended by
647 section 91 of public act 09-7 of the September special session, is
648 repealed and the following is substituted in lieu thereof (*Effective*
649 *July 1, 2012*):

650 An order that a minor is emancipated shall have the following
651 effects: (1) The minor may consent to medical, dental or psychiatric
652 care, without parental consent, knowledge or liability; (2) the minor
653 may enter into a binding contract; (3) the minor may sue and be sued
654 in such minor's own name; (4) the minor shall be entitled to such
655 minor's own earnings and shall be free of control by such minor's
656 parents or guardian; (5) the minor may establish such minor's own
657 residence; (6) the minor may buy and sell real and personal property;
658 (7) the minor may not thereafter be the subject of (A) a petition under
659 section 46b-129, as amended by this act, as an abused, [dependent,]
660 neglected or uncared for child or youth, (B) a petition under section
661 46b-128 or 46b-133 as a delinquent child for any act committed before
662 the date of the order, or (C) a petition under section 46b-149 alleging
663 that the minor is a child from a family with service needs; (8) the minor
664 may enroll in any school or college, without parental consent; (9) the
665 minor shall be deemed to be over eighteen years of age for purposes of
666 securing an operator's license under section 14-36 and a marriage
667 license under subsection (b) of section 46b-30; (10) the minor shall be
668 deemed to be over eighteen years of age for purposes of registering a
669 motor vehicle under section 14-12; (11) the parents of the minor shall
670 no longer be the guardians of the minor under section 45a-606; (12) the
671 parents of a minor shall be relieved of any obligations respecting such

672 minor's school attendance under section 10-184; (13) the parents shall
673 be relieved of all obligation to support the minor; (14) the minor shall
674 be emancipated for the purposes of parental liability for such minor's
675 acts under section 52-572; (15) the minor may execute releases in such
676 minor's own name under section 14-118; and (16) the minor may enlist
677 in the armed forces of the United States without parental consent."